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Ooshirts Inc. d/b/a Tee Chip

UNITED STATES DISTRICT COURT
SOUTHER DISTRICT OF NEW YORK

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HOME BOX OFFICE, INC.

Plaintiff,

Civil Action No.: 18-CV-4645

DEFENDANT'S INITIAL
DISCLOSURES PURSUANT TO
FED. R. CIV. 26(a)(1)

-against-

OOSHIRT INC. d/b/a TEE CHIP
Defendants.

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Defendant Ooshirts Inc. d/b/a TeeChip, (Defendant or "TeeChip), a corporation organized existing under the laws of the State of California, by its undersigned counsel, and pursuant to Fed. R. Civ. P. 26(a) (1), provides as follows:

I. Individuals likely to have discoverable information:

Below are the names and, if known, the addresses of individuals likely to have discoverable information relative to the disputed facts of this matter-along with the subject matter of such information-that Defendant may use to obtain support for its contentions in this matter.

1. Representatives of Defendant, who can be reached through counsel for OOshirts Inc. d/b/a "TeeChip", include Raymond Lei, CEO of defendant. Other representatives of Defendant may turn out to have knowledge depending on what discovery reveals regarding Plaintiff claims. Defendants make no representation regarding the scope of knowledge of any witness but expect Mr. Lei's information will include the factual matters surrounding Defendants general business practices, its services and capabilities; the running and management of the platform and website; the interaction with third-party users and all other relevant facts regarding defendants business activities, all concerning certain factual matters alleged by Plaintiff and in support of Defendants affirmative defenses.

2. The representatives of Plaintiff are unknown but will be revealed in discovery, and will be those individuals regarding Plaintiff's ownership of HBO IP; the development and use of the alleged trademarks at issue; creation, authorship and ownership of the alleged copyrighted works at issue; registration and licensing of the works at issue; Plaintiff's licensing and use of the IP; the marketing, promotional and distribution efforts relating to the IP; the sales channels and consumer base for the IP products; the use to which the IP is and can be put; the alleged damages or harm caused by Defendants business activities and/or other third parties; and all other facts relevant to the claims made by plaintiff.

II. Documents

Defendant is unaware of any particular documents in its possession custody or control that will be required to support its claims or defenses; most documents would be used for impeachment purposes; subject to the above:

Defendant's business records pertinent to the issues raised by the pleadings, including but not limited to relevant customer invoices, sales and service data, and purchase records;

certain financial records of the Defendant; communications between Defendant and others relevant to the claims raised by Plaintiff and any documentation regarding third-party uses of the TeeChip platform, all of which can be supplied, as relevant, subject to an appropriate protective order. The above described documents are in the possession of Defendant at Defendant's place of business

III. Damages

Defendant is unaware of any damages sustained by or provable by plaintiff caused by defendant, as alleged in the complaint. Defendant will rely on the applicable law with regard to responsibility for and the nature of any alleged damages.

IV. Insurance

Subject to the terms and conditions of the applicable policy, Defendant is insured by a policy of insurance issued by the Farmers Insurance Company, which may be available to satisfy all of part of any possible judgment obtained by Plaintiff against Defendant; subject to the terms conditions and exclusions in the policy; the policy provides a combined single limit of \$2 million dollars. There is no known excess coverage available. A copy of the policy has been requested, and will be provided upon request, and receipt.

Defendant has not concluded its investigation into the facts relating to this case and has not completed formal discovery or preparation for trial. Accordingly, information may exist that Defendant does not yet have knowledge of, or Defendant has not yet located, identified or reviewed. All of the foregoing disclosures are therefore based on such information currently known or available to Defendant after a reasonable inquiry pursuant to Federal Rule of Civil Procedure 26(a)(1)(e). Defendant reserves the

right to alter, amend or supplement its disclosures herein pursuant to Federal Rule of Civil Procedure 26(e).

Dated: October 4, 2018

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OOSHIRTS INC. D/B/A TEE CHIP

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the DEFENDANT'S INITIAL DISCLOSURES PURSUANT TO FED. R. CIV.P 26(a)(1) was served via e-mail and First-Class Mail on this 4th day of October 2018 upon Plaintiff's attorney:

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